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OFFICE OF PETITIONS

In re Application of	:
Tyler Tierney et al	:
Application No. 10/068,196	: DECISION ON PETITION
Filed: February 4, 2002	: UNDER 37 CFR 1.181
Attorney Docket No. 27734-93149	:

This is a decision on the petition filed February 20, 2003, which is being treated as a petition under 37 CFR 1.181 to restart the period for reply to the "Decision Refusing Status under 1.47(a)" mailed November 4, 2002.

The petition is granted.

Petitioner asserts that the Office action of November 4, 2002 was never received. In support of this assertion, petitioner has supplied a copy of the docket records where the Office action would have been recorded had it been received. Petitioner further asserts that a search of the file jacket and docket records and of all the records for this application (which includes the docket records for both the Washington, D.C. and Chicago offices) indicates that the Office action of November 4, 2002 was never received.

The showing submitted is sufficient to establish nonreceipt of the November 4, 2002 Office action. Accordingly, Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the deficiencies noted in the November 4, 2002 decision.<sup>1</sup> Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted therein, except that the reply may include an oath or declaration executed by the nonsigning inventor. **FAILURE TO RESPOND WILL RESULT IN**

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<sup>1</sup> A copy of the November 4, 2002 decision was given to Richard B. Lazarus on February 20, 2003.

**ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

Further correspondence with respect to this matter should be addressed as follows:

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Any questions concerning this matter may be directed to the undersigned at (703) 305-8680.



Frances Hicks  
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for Patent Examination Policy